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**FAX**

To: Examiner Jimmy T. Vu  
Art Unit 2821  
USPTO

From: Michael J. Mehrman, Esq.

Fax: 1 571 273 8300

Pages: 3, including cover

Phone:

Date: October 18, 2005

Re: **WIPER-TYPE PHASE SHIFTER WITH CANTILEVER SHOE AND DUAL-  
POLARIZATION ANTENNA WITH COMMONLY DRIVEN PHASE SHIFTERS**

Serial No.: 10/652,657

Our Ref. No.: 8E07.1-070

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

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No. 0459 P. 1

MEHRMAN LAW OFFICE Oct. 18. 2005 2:23PM

Our Docket No. 8E07.1-070

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## Patents

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

**Darin M. Janoschka**

**Serial No.: 10/652,657**

**Filed: August 28, 2003**

**For: Wiper-Type Phase Shifter With  
Cantilever Shoe and Dual-  
Polarization Antenna With  
Commonly Driven Phase Shifters**

**Art Unit: 2821**

**Examiner: Jimmy T. Vu**

## RESPONSE TO FIRST OFFICIAL ACTION

**Commissioner for Patents  
Mail Stop Non-Fee Amendment  
P.O. Box 1450  
Alexandria, VA 22313-1450**

October 18, 2005

Sir:

## AMENDMENT

In response to the First Official Action mailed September 20, 2005, all of the rejections are based on Runyon, U.S. Patent No. 6,788,165, which does not show or describe a "cantilevered shoe" within the ordinary meaning of that term, which would be understood to mean supported on one end in an overhanging configuration. Rather the phase shifter shoe in Runyon is supported on three feet surrounding a central pivot. In addition, this reference is not available as prior art under 35 U.S.C. § 103 (c) because both inventors were under an obligation to assign, and have in fact assigned, their respective inventions to the same entity.

## REMARKS

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office, Patents by facsimile directed to Examiner Jimmy T. Vu in Art Unit 2821 at Central Fax (571) 273-8300 on October 18, 2005.

Michael J. Mehrman - Reg. No. 40,086

No. 0459 P. 2

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Oct. 18. 2005 2:24PM